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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

JOHN DOE 1, JOHN DOE 2, JOHN DOE
 3, JOHN DOE 4, JOHN DOE 5, JOHN
 DOE 6, JOHN DOE 7, JOHN DOE 8,
 JOHN DOE 9, JOHN DOE 10, JOHN
 DOE 11, and JOHN DOE 12, individually
 and on behalf of all others similarly
 situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC
 ASSOCIATION, THE UNIVERSITY OF
 SAN FRANCISCO, ANTHONY N. (AKA
 NINO) GIARRATANO, and TROY
 NAKAMURA,

Defendants.

Case No. 3:22-cv-01559-LB

**PLAINTIFFS' STATEMENT OF RECENT
 DECISION**

Plaintiffs John Does 1-12 respectfully submit this Statement of Recent Decision in support
 of their opposition to Defendants' motions to dismiss ("Opposition"). In their Opposition, John
 Does 4-12 argue that their claims are not barred by the statute of limitations because, among other

1 reasons, accrual of the claims was delayed by the discovery rule. ECF No.79 at 14-15.

2 On December 14, 2022, the Sixth Circuit issued an order bearing upon application of the
3 discovery rule here. In *Snyder-Hill v. Ohio State University*, Nos. 21-3981/3991 (ECF No. 98-2)
4 (6th Cir. Dec. 14, 2022), attached as Exhibit A, the Sixth Circuit denied a Petition for Rehearing
5 *En Banc* following its decision in *Snyder-Hill v. Ohio State University*, 48 F.4th 686 (6th Cir.
6 Sept. 14, 2022). The majority found that the discovery rule delayed accrual of plaintiffs' claims
7 relating to a university doctor's sexual abuse under the guise of medical examinations because
8 plaintiffs had no "reason to know that others had previously complained to Ohio State about [the
9 doctor's] conduct, let alone how Ohio State had responded to any previous complaints." *Snyder-*
10 *Hill*, 48 F.4th at 694. "Further, each plaintiff alleges that, even if he had investigated, further
11 inquiry would have been futile because Ohio State controlled their access to information." *Id.* at
12 694-95. The majority found that until 2018, the plaintiffs had no reason to know that the
13 mishandling of their reports was part of a much broader policy of deliberate indifference towards
14 the doctor's abuse. *Id.* at 704.

15 In the denial of the Petition for Rehearing *En Banc*, Judge Moore wrote a concurring
16 opinion to emphasize that "[t]he panel's application of the discovery rule fully comports with our
17 precedent and Supreme Court precedent" where "plaintiffs had no reason to know that Ohio State
18 injured them until Ohio State's conduct became public." Exhibit A at 5 (Moore, J., concurring in
19 the denial of rehearing *en banc*) (citing *Snyder Hill*, 48 F.4th at 690).

20 Dated: December 15, 2022

Respectfully submitted,

21 /s/ Elizabeth A. Fegan

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